

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.16559 of 2007

Dated 02-08-2007

Between:

K. Prasad

...Petitioner

And

The Assistant Accounts Officer,
Operation Circle, The Southern Power Distribution
Company of A.P.,

...Respondent

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.16559 of 2007

ORDER:

The petitioner is provided power supply through SC No.18400

under Category-III, for his workshop at Kadapa. The premises were inspected on 16-02-2001. A notice of provisional assessment was issued, pointing out certain irregularities on the part of the petitioner. Simultaneously, the petitioner was prosecuted by alleging offences under Sections 39 and 44 of the Indian Electricity Act, 1910, in S.C.No.48 of 2003, before the I Additional Sessions Judge, Kadapa.

The petitioner submitted his explanation to the notice of provisional assessment. An order of final assessment was passed on 18-10-2003, holding that the petitioner is liable to pay a sum of Rs.64,491/-, towards energy and allied charges. The petitioner preferred an appeal before the Appellate Authority against the order of final assessment. He has deposited half of the amount involved, as a condition precedent for preferring an appeal. S.C.No.48 of 2003 ended in acquittal of the petitioner, through judgment dated 30-11-2005. The grievance of the petitioner is that, the respondent is trying to disconnect the power supply, even while the appeal is pending.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondent.

While the criminal proceedings, initiated against the petitioner, ended in acquittal, the order of final assessment passed against him, is pending adjudication, in appeal. The petitioner has partly complied with the order, as a condition precedent for preferring the appeal. Under these circumstances, there cannot be any justification for the respondent in insisting on payment of the balance of the amount, covered by the order of final assessment.

Hence, the writ petition is disposed of, directing the respondent not to disconnect the power supply to the petitioner, or, to insist upon payment of the balance amount, covered by the order of final assessment, till the appeal preferred by the petitioner is disposed of.

The Appellate Authority shall endeavour to dispose of the appeal,
within three months from the date of receipt of a copy of this order.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.02-08-2007.

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